IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

RSA No. 277 of 2005

Decided on : April 20, 2006

Sri Ram **…..Appellant.**

VERSUS

Sukh Dev and others **…..Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?[1] No.

For the Appellant : Mr. Ramakant Sharma, Advocate.

For the Respondents : Mr. Bhupender Gupta, Senior Advocate with Mr. Janesh Gupta, for respondent No.1.

None for other respondents.

Surjit Singh, Judge (Oral)

Heard. The only grievance of the appellant is that while declaring the respondent-plaintiff as joint owner to the extent of 461/1175 shares and the appellant as joint owner to the extent of 714/1175 shares, the trial Court has passed a decree of permanent prohibitory injunction in favour of the respondent-plaintiff. He says that both the parties being joint owners, decree for permanent prohibitory injunction could not have been granted. The decree, as passed by the trial Court and affirmed by the first Appellate Court, does not clarify the nature of permanent prohibitory injunction granted. Learned counsel representing respondent No.1 says that

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[1] ***Whether the reporters of the local papers may be allowed to see the Judgment?***

the injunction asked for by the plaintiff was that the appellant should not claim more than 714/1175 shares in the suit property. Both the parties agree that the decree of the trial Court, so far as it pertains to the permanent prohibitory injunction may be clarified in terms of the prayer made in the plaint.

2. In view of the abovestated position, the decree of the trial Court is modified to the extent that so far as the decree for permanent prohibitory injunction is concerned, it is clarified that this injunction is to restrain the appellant-defendant not to claim more than 714/1175 share in the suit property.

3. The appeal is disposed of with the aforesaid modification/clarification.

CMP No.495/2005

Dismissed. Interim order dated 10.6.2005, passed on the application, is vacated.

(Surjit Singh)
Judge.

April 20, 2006(sd)